

SMOOT SMILES AS REPORT IS READ

Majority of Senate Committee Declare Utah Senator is Not Entitled to Seat.

FIVE REASONS ARE CITED

Alleged That the Church Has Usurped Functions of State. Minority Report.

(By Associated Press.)
WASHINGTON, D. C., June 11.—The majority and minority reports of the Committee on Privileges and Elections in the case of Senator Reed Smoot, of Utah, were today presented in the Senate, the former, by Senator Burrows, declaring that Mr. Smoot is not entitled to his seat, and the latter, by Senator Foraker, taking the opposite view. At the same time Senator Bailey, who is a member of the committee, stated that while he concurred in the view of the majority, that Mr. Smoot is not entitled to his seat, he was of the opinion that "Mr. Smoot could not be deprived of his seat under the Constitution except by a resolution of expulsion."

Mr. Burrows gave notice that he would call up the case "at the earliest possible moment consistent with the public business," and Senator Foraker expressed his approval of this announcement.

Senator Smoot was present in the Senate chamber when the reports were presented. He smiled broadly when Senator Bailey made his statement. Under the plan suggested by the Texas senator, a vote of two-thirds would be necessary to vacate the seat of the Utah senator.

Causes for Action.

The reasons for the action of the committee in declaring by a majority vote that Senator Smoot is not entitled to his seat are stated in the report, which is signed by Senators Burrows, Dooliver, Dubois, Pettus, Bailey, Overman and Frazier, to be as follows:

"That Mr. Smoot is one of the self-perpetuating body of men, known as the First Presidency and Twelve Apostles of the Church of Jesus Christ, or Latter Day Saints, commonly known as the First Presidency and Twelve Apostles of the Mormon Church.

"That these men claim divine authority to control the members of said church in all things, temporal as well as spiritual.

"That this authority is, and has been for several years past, so exercised by the said First Presidency and Twelve Apostles as to encourage the practice of polygamy and polygamism in the State of Utah and elsewhere, contrary to the Constitution and laws of the State of Utah and the law of the land.

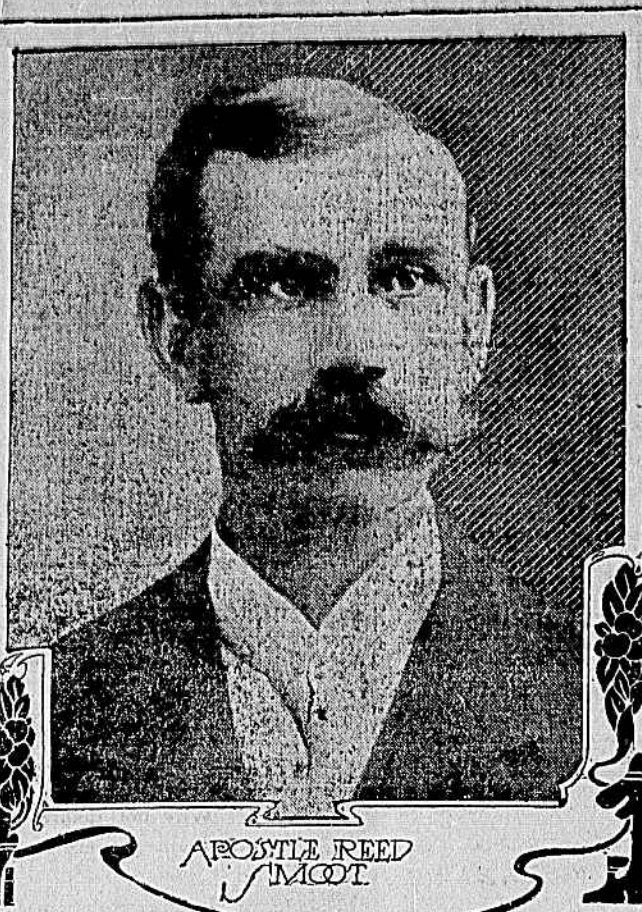
"That the said First Presidency and Twelve Apostles do now control, and for a long time have controlled, the political affairs of the State of Utah, and have thus brought about in said State a union of church and state, contrary to the Constitution of the United States.

"That said Reed Smoot comes here, not as the accredited representative of the State of Utah in the Senate of the United States, but as the choice of the hierarchy which controls the church and has usurped the functions of the State in said State of Utah."

The majority report characterizes as "wholly untenable" the position that, because Smoot himself does not practice polygamy and there is no evidence that he has personally and individually encouraged the practice in others, he ought not to be condemned because of the acts of his associates. It is charged "that Smoot is an inseparable part of the governing body of the Mormon Church—the First Presidency and Twelve Apostles—and those who compose that organization form a unit, an entirety, and whatever is done by that organization is the act of each and every member thereof, and whatever policy is adopted and pursued by the body, which controls the Mormon Church, Mr. Smoot must be held to be responsible for as a member of that body."

The report declares that Smoot knew the polygamist practices of President Smith and other church officials has been sustained by his vote as an apostle, and

UTAH SENATOR UNDER FIRE.



ENTERED NAVY TO SECURE TRAINING FOR MINISTRY

Curious Plight of Mountain Boy Results in Appeal to President—Gallinger Acts as Intermediary for Tillman.

(By Associated Press.)
WASHINGTON, June 11.—President Roosevelt heard today a curious story of desertion from the United States Navy and an appeal on behalf of the culprit. The statement was made to the President by Senator Gallinger, of New Hampshire, on behalf of Senator Tillman, of South Carolina. Senator Gallinger was accompanied to the White House by Representative Johnson, of South Carolina.

A brief time ago J. Matthews Fortner, a mountain boy of Pickens county, South Carolina, became imbued with the idea of becoming a Baptist preacher. While in a state of exaltation he encountered a recruiting officer of the navy and told him of his ambition. The officer suggested that Fortner enlist in the navy

and thereby obtain an all-round education that would be of advantage to him in his clerical calling. Fortner enlisted with the idea that the navy was particularly adapted to religiously inclined young men. He was sent aboard the Lancaster in 1903. The young man soon decided that the navy was not quite the place for a man inclined toward the ministry, and deserted. He became a student at Furman University, at Greenville, S. C. The police learned the history of his enlistment and arrested him. He is now in prison.

Opinion of Minority.

"That Reed Smoot possesses all the qualifications prescribed by the Constitution for him eligible to a seat in the Senate, and that the regularity of his election by the Legislature of the State of Utah is not questioned in any manner, is the conclusion reached by the minority of the Senate Committee on Privileges and Elections, which submitted its views today. This report is signed by Senators Foraker, Beveridge, Dillingham, Hlopkins and Knox.

Concerning the character of the Utah Senator, who has been on trial for his membership in the Senate, the minority says:

"Aside from his connection with the

and thereby obtain an all-round education that would be of advantage to him in his clerical calling. Fortner enlisted with the idea that the navy was particularly adapted to religiously inclined young men. He was sent aboard the Lancaster in 1903. The young man soon decided that the navy was not quite the place for a man inclined toward the ministry, and deserted. He became a student at Furman University, at Greenville, S. C. The police learned the history of his enlistment and arrested him. He is now in prison.

The President listened to the story with deep interest. He suggested that the young man would have to stand trial for desertion, and then all the facts would be developed. He promised to take up the case after the trial and ascertain what, if anything, could be done for Fortner in the way of leniency.

Mormon Church, so far as his private character is concerned, it is, according to all the witnesses, irreproachable, for all who testify on the subject agree or concede that he has led and is leading an upright life, entirely free from immoral practices of every kind."

The minority says there remain but two grounds on which the right or title of Reed Smoot to his seat is contested, and these are:

"That he is shown to have taken what is spoken of in the record as the 'enrollment oath,' by which he obligated himself to make his allegiance to the church paramount to his allegiance to the United States; and

"That by reason of his official relation to the church, as one of its apostles, he is responsible for polygamist cohabitation, which yet continues among the Mormons, notwithstanding it is prohibited by law.

"It is sufficient in this summary to say that the minority is of the opinion that, analyzed, and thereby shown to be limited in amount, vague and indefinite in character and utterly unreliable, because of the disreputable and untrustworthy character of the witness."

NORTH AND SOUTH EXCHANGE ROLES

New England Leading in Resistance to Encroachments of Federal Power.

CURIOUS TURN OF AFFAIRS

(From Our Regular Correspondent.)
WASHINGTON, D. C., June 11.—The editorial in The Times-Dispatch, protesting against the policy of Mr. Roosevelt, which seeks to make this a government by Federal inspection, was much commented upon at the Capitol. Representative Hay, of Virginia, whose interview, published in The Times-Dispatch, was the immediate subject of the editorial in question, was much pleased with the article, and several of his colleagues expressed the opinion that he and the editorial "plumped center."

Despite this attitude of the Democrats of the House towards such great governmental activity, they are supporting the President in his position on the Federal inspection of meat products entering into interstate and foreign commerce. They state this position because they realize that the local authorities, the authorities of the municipality of Chicago, and of the State of Illinois, will not act, and that the health of the people and their right to products clean and free from disease, demand inspection. Surely a Democrat can be found who does not oppose inspection by the general government on principle.

He is supporting the President and the Beveridge amendment because the local authorities will not take the action Congress is about to take.

New England Kicking.

It is said that several New England members of Congress will vote against Federal inspection. Chairman Wadsworth, of New York, who presides over the House Committee on Agriculture, is strongly opposed to government inspection, and he has allowed this opposition to manifest itself so plainly that members of the committee who do not agree with him, including Representative Lamb, the senior Democrat on the committee, have criticized him severely. While it must be said that Mr. Wadsworth has probably gone too far, yet there can be no doubt that he is strongly opposed to meat inspection by the Federal government, on the ground that the States should attend to such matters.

It looks odd, decidedly, to see New England and Northern representatives generally standing for the rights of the States, while Southern men are voting in such a hurry to increase the authority of the Federal government. The whittling of time works many changes, but few more striking than this. The South fought the United States for four years for the principle of States' rights, only more high-sounding name for local home rule.

The South lost that fight, and now the section of the Union which was foremost in defending the principles of centralized government has taken the Southern side, while the erstwhile advocates of extreme State sovereignty are helping the President Prussify the country, as The Times-Dispatch expressed it.

A Prophecy Came True.

Representative McGill, of Massachusetts, recalled some time ago that Alexander H. Stephens had said in a speech in Boston prior to the war that the time would come when the small States of the South would stand with the Federal power. The prophecy appeared fantastic at the time it was uttered. It appears, however, to have been more than realized, for New England is standing almost alone. Senators from New England and the representatives from that section have been less enthusiastic in support of the various measures to regulate something which have been enacted or proposed than have the senators and representatives from any other part of the country.

It should be said, though, in defense of the Democrats of the South, who have been less conservative in these matters, that they have not all lost sight of the fundamental principles underlying our dual system of government. They have felt that conditions have become such that they can obtain no other means of relief.

SENATORS MAKE CHARGE OF GRAFT

Conference Report on Indian Bill Adopted, However, Despite Opposition.

ATTACKED BY LAFOLLETTE

(By Associated Press.)
WASHINGTON, D. C., June 11.—In the Senate today, Senator LaFollette made the statement that he had been informed that an assistant to the commissioner to the five civilized tribes had assisted a legal firm in preparing the Indian roll and had then passed upon the roll in his official capacity. He also said that a brother-in-law of the Senator who had reported the legislation preparing a court system for Indian Territory had been appointed a member of the court thus created. These statements were made by the Wisconsin Senator in a speech in opposition to the conference report on the Indian appropriation bill.

The conference report was accepted, however, regardless of this opposition, and that of other senators, the expression of which consumed the greater part of the day's session. The particular conference provisions to which objection was made were those relating to the allotment of the Choctaw Indians, the settlement of the claim of ex-Senator Butler, of North Carolina, and other attorneys in connection with the Coville reservation in Washington, and the adjustment of A. J. Brown as administrator of certain minor Seminole Indian children.

Tillman Renews Attack.

Senator Tillman renewed his attack upon the provision of the acts of A. J. Brown in the disbursement of \$186,000. He denounced the provision as an "outrage," and said the conferees had promised him to make an effort to prevent the acceptance of the paragraph. His objection to it, he said, was based on the ground that the proposed legislation would prevent suits against Brown to recover money improperly accounted for. He took especial exception to the employment of Butler and other attorneys for Brown. Senator Tillman said that Brown's accounts as administrator had been approved by the courts, and that the Indians, being citizens of the United States, Congress was under no special obligation to open up the question, especially as the suit was made on the part of individuals and not for the tribe as a whole.

Senator Simmons took exception to the provision looking to the settlement of the claim for \$100,000, of former United States Senator Butler and Josiah M. Vale, in connection with the opening of the Colville Indian Reservation in the State of Washington.

He expressed the opinion that the sum was exorbitant and said that only a part of the claim should be paid. He brought to the attention of the Senate the fact that no legal service had been rendered. He, therefore, concluded that the claim was for lobbying alone, and said Congress should place its seal of condemnation on that immoral and illegal practice—a practice which he thought Butler brought to the attention of the district attorneys.

Senator Spooner attacked the Brown amendment, saying that it is "vicious legislation."

Senator Clay spoke of the Butler-Vale claim, contending that the Senate amendment had expired four years ago.

More 'Stealing.'

Senator LaFollette returned to his attack on the amendment concerning the enrollment of the Choctaw Indians, which, he said, would be an injustice to 2,000 persons. He cited a case in which one firm of lawyers in Indian Territory had been paid \$750,000 for services to the Indians.

"Another case in which the cornfield lawyers failed to attend to business," remarked Mr. Spooner, glancing mischievously at Mr. Tillman, who replied: "The cornfield lawyer can't attend to all the stealing; if he did, he would never sleep."

Early in the day the Senate passed the Choctaw appropriation bill, carrying \$3,154,584, and the oath of office was administered to William Pinkney Whyte as successor of the late Senator Gorman, of Maryland.

There was a brief discussion of Senator Tillman's resolution providing for an investigation, among other things, of the affairs of the Chicago National Bank. Senator Aldrich, chairman of the Committee on Finance, promised that the resolution shall be taken up to-morrow by that committee.

Session of House.

(By Associated Press.)
WASHINGTON, June 11.—After nearly four hours spent in the consideration of legislation affecting the interests of the District of Columbia, the House today resumed consideration of the civil appropriation bill, and after an hour and a half spent in its consideration, adjourned until noon to-morrow.

An amendment was adopted permitting the appointment of retired officers of the United States Army or of the United States Navy as members of the International Waterways Commission, as provided for in the river and harbor bill, creating this commission.

The House, in committee of the whole, refused to make an additional appropriation for marking the places where American soldiers had been temporarily interned in Cuba and China, on the ground that it was bad precedent.

RURAL DELIVERY.

Statistics Showing Extent of Service in Virginia.

(From Our Regular Correspondent.)
WASHINGTON, D. C., June 11.—Virginia has a total of \$20 rural free delivery routes in operation, according to figures obtained at the office of the Fourth Assistant Postmaster-General. Application has been made for eighty over twice this number—1,684—to be exact. A large number of these are still pending and 746 have been reported on adversely. Five routes in the State have been discontinued since the establishment of the rural delivery system.

The First District has only three rural routes in operation. Representative Jones says the people of his district do not like rural free delivery service, and he has made no effort to obtain anything like a comprehensive system of routes in his country. Several petitions for routes have been received for the district.

There are fifteen routes in the Second District; petitions for twenty-eight have been received, and six have been reported adversely.

In the Third District there are thirty-three routes in operation; petitions have been received for sixty; and twenty-one have been reported adversely.

In the Fourth District there are forty-nine routes; petitions for ninety-nine have been received, and thirty-six have been reported.

The Fifth District has 191 routes; petitions for routes, 465; adversely reported, 262.

The Sixth District has 111 routes in operation; petitions for 194 have been

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received, and 76 have been reported on adversely.

There are 98 routes in the Seventh District; petitions for 175 have been received, and 65 have been adversely reported.

The routes in the Eighth District number 72; petitions have been received for 131, and 46 have been rejected.

The Ninth District has a total of 121 routes; applications have been made for 267 routes, and 123 have been adversely reported.

The Tenth District has a total of 127 routes in operation; petitions for 268 have been filed, and 112 have been reported upon adversely.

Fourth Assistant Postmaster-General Dogrow, who has charge of the rural delivery and star route services, made a statement to-day relative to the effort made by Representative Sims, of Tennessee, to have the law so changed as to allow patrons of free delivery routes receive their mail in such boxes as they choose, without compelling them to purchase boxes approved by the department, which are manufactured by a trust. The House would not accept Mr. Sims's proposed amendment to the postoffice appropriation bill, but he induced Senator LaFollette to propose the bill as an amendment to the postoffice bill in the Senate, and it was adopted. Mr. Sims fears that it will go out in the conference committee.

WHYTE TAKES OATH.

New Senator from Maryland Now at the Capitol.

(By Associated Press.)
WASHINGTON, June 11.—Hon. William Pinkney Whyte, of Maryland, today took his seat in the Senate as the successor of the late Senator Arthur P. Gorman. His credentials were presented by Senator Rayner after the convening of the Senate, and Mr. Whyte was escorted to the Vice-President's desk, where the oath of office was administered. He was afterwards introduced to many of his colleagues, and took his seat on the Democratic side.

Washington Affairs.

(From Our Regular Correspondent.)
WASHINGTON, D. C., June 11.—Rural carriers appointed for Virginia: Routes—Baykins, route 2, Andrew Knight, carrier; Roderick L. L. Williams, sub. Courtland, route 1, George T. Bow, carrier; W. E. Holcombe, sub. Postmaster appointed: Virginia—Bucky Gap, Bland county, James C. Tugle.

North Carolina—Barnard, Madison county, P. V. Gopher, vice R. H. Mayfield, removed.

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